

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DERRICK D. SMITH,	)	
AIS #221124	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:06-cv-1114-WKW
	)	
CAPTAIN NETTLES,	)	
	)	
Defendant.	)	

**ORDER**

On February 23, 2007, the Magistrate Judge filed a Recommendation (Doc. # 5) that this case be dismissed for Plaintiff's failure to pay the filing fee. No timely objections were filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation of the Magistrate Judge (Doc. # 5) is ADOPTED; and
2. This action is DISMISSED without prejudice.

An appropriate judgment will be entered.

DONE this 2nd day of April, 2007.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE